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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jonathan A. Selzer et al.

Atty. Docket No.: 25614-04A

Serial No.: 10/757,876

Art Unit: 1635

Filed: January 14, 2004

Examiner: M. Qiuwen

Title: ALL NATURAL FLAVOR ENHANCERS FOR GREEN TEA BEVERAGES  
AND DENTAL HYGIENE PRODUCT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF DR. JONATHAN A. SELZER AND CORNELIA D. VASILE**

We, Dr. Jonathan A. Selzer and Cornelia D. Vasile, hereby declare the following:

1. We are the named inventors on the above noted patent application.
2. I, Dr. Jonathan A. Selzer, am an employee of Herbasway Laboratories, LLC. Cornelia D. Vasile was an employee of Herbasway Laboratories, LLC, and is no longer employed there.
3. We conceived of and reduced to practice the invention claimed in our application Serial No. 10/757,876, prior to May 17, 2003.
4. Attached hereto as Exhibit A is a formula sheet for a product containing:

Green Tea Extract  
Lo Han Extract  
Chinese Licorice Extract  
Stevia Extract  
Kudza Root Extract  
Lotus Leaf Extract  
Glycerin

Serial No.: 10/757,876  
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Art Unit: 1655  
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Lemon Flavor  
Water

The date of this document is prior to May 17, 2003, however the date and specific identifying information has been redacted.

5. We hereby disclose that all statements made herein of our own knowledge as true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements so made are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Dr. Jonathan A. Selzer

  
Cornelia D. Vasile

# EXHIBIT A

PRODUCTION SHEET				Batch Number	
HerbaSway Laboratories				28	
				Batch kg	
				Batch liters	
				Date planned	
				Date terminated	
				Actual kg	
				Initials	
Pos. Code	Ingredient	%	Lot Number	Theoretical kg	
	Confirm that the balance is in kg mode				
	⊞ Weigh Pos. 10 - 60 into weighing boxes				
10100122	Green Tea extract (leaf)	8.81%		9.800	
20100133	Lotus extract (leaf)	2.12%		2.384	
30100127	Kudzu extract (root)	0.85%		0.954	
40100128	Lo Han Guo Low	1.24%		1.393	
50100123	Lo Han extract (fruit)	1.03%		1.157	
60100130	Chinese Licorice extract (root)	0.18%		0.207	
0010156	Stevia extract (leaf)	0.52%		0.579	
	⊞ Confirm that the balance is in kg mode				
	⊞ Fill Pos. 70 into vat			34.537	
70101370	Glycerin	30.75%			
	⊞ Slowly (use scoop) add Pos. 10 - 60 and stir until dissolved				
	⊞ Add Pos. 80	50.77%		57.019	
80101075	demineralized water				
	⊞ Mix 15 minutes at 50C				
	⊞ exchange mixers and increase to 95C				
	⊞ Keep covered. Spray with lemon to reduce foaming				
	⊞ Add Pos. 90 and stir well	3.73%		4.167	
90101064	Lemon Flavor				
	⊞ Continue stirring for 1 hours				
	⊞ Keep covered. Spray with lemon to reduce foaming				
		100.00%		112.317	
Bin Number			Bin Number		
Bin Number			Bin Number		
Bin Number			Bin Number		